IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.695 OF 2005
IN
CRIMINAL APPLICATION NO.367 OF 2005
IN
CRIMINAL APPEAL NO.756 OF 1988

Gautam N. Kothari .. Applicant.

v/s.

The State of Maharashtra .. Respondent.

Mr.P.P.Hudlikar for applicant.

Ms.P.H.Kantharia, Additional Prosecutor for the State.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 7th February, 2005

P.C.

On 14.7.2003, the Division Bench of this court dismissed the criminal appeal No.756 of 1988 in default. The said criminal appeal was at the instance of the present applicant aggrieved by his conviction under section 302 IPC by the Additional Sessions Judge, Greater Mumbai. The accused-applicant has taken out an application for restoration of criminal appeal No. 756 of 1988. That application is barred by time and hence the present application for condonation of delay.

2. Though the application seeking restoration of criminal appeal suffers from delay for more than one year and five months, for the reasons set out in paras 2 and 3 of the criminal application and the fact that the criminal application is not seriously opposed by the Additional Public Prosecutor, we are satisfied that delay in making the application for restoration deserves to be condoned.

3. We, accordingly, grant the application and condone the delay in making criminal application for restoration of criminal appeal No.756 of 1988.

4. Criminal application stands disposed of.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)